

# PATENT COOPERATION TREATY

# PCT



## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference<br><b>21345/058WO1</b>   | <b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |  |
| International application No.<br><b>PCT/EP 02/08631</b>  | International filing date ( <i>day/month/year</i> )<br><b>08.08.2002</b>  | Priority date ( <i>day/month/year</i> )<br><b>25.06.2002</b> |
| International Patent Classification (IPC) or both national classification and IPC<br><b>H04N7/00</b> |   |  |
| Applicant<br><b>CANAL+ TECHNOLOGIES et al.</b>   |   |  |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.  
  
☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
  
 These annexes consist of a total of    sheets.

3. This report contains indications relating to the following items:
  - I   ☒ Basis of the opinion
  - II   ☐ Priority
  - III   ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV   ☐ Lack of unity of invention
  - V   ☐ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI   ☐ Certain documents cited
  - VII   ☐ Certain defects in the international application
  - VIII   ☐ Certain observations on the international application

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| Date of submission of the demand<br><br><b>15.01.2004</b>   | Date of completion of this report<br><br><b>10.11.2004</b>   |
| Name and mailing address of the international preliminary examining authority:<br><br> <b>European Patent Office</b><br><b>D-80298 Munich</b><br><b>Tel. +49 89 2399 - 0 Tx: 523656 epmu d</b><br><b>Fax: +49 89 2399 - 4465</b> | Authorized Officer<br><br><b>Luckett, P</b><br><br>Telephone No. +49 89 2399-8965<br><br> |

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/EP 02/08631

**I. Basis of the report**

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-12 as originally filed

**Claims, Numbers**

1-12 as originally filed

**Drawings, Sheets**

1/8-8/8 as originally filed

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 1-12

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1-12 are so unclear that no meaningful opinion could be formed (*specify*):

**see separate sheet**

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

- 1 The features of the independent claims are cast in such broad and vague terms that these claims are not deemed to find adequate technical support in the description nor to be adequately clear to enable a fair determination of their intended scope (Art 6, PCT). The vague terms of the independent claims define no clear technical context within which their features can have any clearly identifiable technically limiting effect.
- 2 The claims are neither clear nor concise (Art 6, PCT). The number of independent claims and the disparity between their respective subject matter makes it impossible to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection. In order to overcome this objection, it would appear appropriate to file an amended set of claims defining the relevant subject-matter in terms of a minimum number of independent claims in each category followed by dependent claims covering features which are merely optional.
- 3 In as far as their scope can at present be determined, it appears that at least some of the broader claims are either anticipated or rendered obvious by the disclosure of the documents cited in the search report. There follows a brief synopsis of the cited documents:-

US6351467 Allows user to watch the TV program on a computer monitor while simultaneously accessing the supplementary HTML multimedia data. Provides access to unmodified, high-quality content from existing web sites in a way which requires no changes to the operation of the web sites and also preserves web sites advertising and subscription revenues.

WO0114986 Eliminates need to place a set top box at every customer residence. Only few amplifier are needed. The network can also provide data services, make television programming available to the customer and introduces smart recording.

US2002034179 The order server enables the receivers without return connection to obtain desired multicast service from internet in a simple and almost completely standardized way.

US2002023165 A proxy provides for protocol translation between an encoder (134) and a network (108) to allow the encoder output to appear at

a large number of locations such as data centers or servers (14,16,18) or clients (22). The proxy is provided in a receiver/protocol converter (180) and header information facilitates decoding of the stream at a receive site, parsing the broadcast stream into a real time stream.

EP0964581 Information to be transmitted is sent from the information producer (11a) or transmitter to the operator (19) of the DVB network (15) for transmission to the DVB network, and the information producer transmits the information to a well-known multicast address in Internet (40) as packets according to the multicast Internet protocol (IP). The operator receives the multicast IP packets that contain the information from Internet.

WO0070840 Allows several types or levels of IP data service in subscriber TV system, reliably. Assigns true internet visible IP address to the IP data application on HCT on a temporary basis thereby providing familiar environment for developers of PC and workstation applications to develop application for HCT. Enables efficient usage of available bandwidth, existing structure and equipments of subscriber television system, reliably.

- 4 It is not at present apparent which part of the application could serve as a basis for a new claim. Should the applicant nevertheless regard some particular matter as patentable an independent claim including such particular matter should be filed. The applicant should also indicate in the letter of reply the difference vis à vis the state of the art and the significance thereof.
- 5 The independent claim/s/ should be cast in the two part form, with those features which in combination are part of the prior art being placed in the preamble. This is considered to be particularly appropriate in the present case as it is regarded as essential to establishing a clear picture of the contribution made by the applicants vis-a-vis the closely relevant subject matter known from D1.
- 6 The description should be brought into conformity with the any new claims filed; care should be taken during revision, especially of the introductory portion including any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed.
- 7 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art

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disclosed in the document D1 is not mentioned in the description, nor is this document identified therein. To reflect the state of the art adequately in the description, the document D1 should be identified in the opening pages and the relevant background art disclosed therein should be briefly discussed.

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